

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
16548.16 1a.3

In re Application of: Devin Leake, et al.

Application No.: 10/551,350

Filed: October 19, 2006

For: MODIFIED POLYNUCLEOTIDES FOR USE IN RNA INTERFERENCE

The owner, Charmacon, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/619,933, filed on January 4, 2007, and pending reference Application Number 11/825,461, filed on July 6, 2007, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 53,953

/Jonathan M. Bennis, Reg. # 53953/  
Signature

January 8, 2009  
Date

Jonathan M. Bennis  
Typed or printed name

(801)321-8887  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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